Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/541,011	JOSHI ET AL.	
Examiner	Art Unit	
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non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1.4-6.8 and 11-16. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Claim(s) vibra entred and an explanation vibra entred and explanation vibra entred vibra entred		EDNA WONG	1/95		
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must trienly file one of the following replies: (1) an amendment, affidiative, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: □ The period for reply expires on. (1) the mailing date of the final rejection. □ The period for reply expires on. (1) the mailing date of the final rejection. □ The period for reply expires on. (1) the mailing date of the final rejection. □ The period for reply expires on. (1) the mailing date of the final rejection. □ Revent however, will be studiory period for reply expire and the final SIMONTHS from the mailing date of the final rejection. □ Revent however, will the studiory period for reply expired the final SIMONTHS from the mailing date of the final rejection. □ The period for reply expires on. (1) the mailing date of the final SIMONTHS from the mailing date of the final Replection. □ The period for reply expires on. (1) the mailing date of the final SIMONTHS from the mailing date of the final Replection. □ The period for reply expires on. (1) the studies of the studies of the studies of the studies of the final Replection. □ The period SIMONTHS of The Third National Replection of the final Replection. □ The SIMONTHS of The Third National Replection of the studies of the studies of the final Replection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.170(b). ■ The Notice of Appeal was filed on	The MAILING DATE of this communication appe	ars on the cover sheet with th	e correspondence add	lress	
application, applicant must timely life one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a. Notice of Appeal (with appeal etc) in compliance with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires	THE REPLY FILED <u>10 May 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.				
a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires our. (1) the mailing date of the Axbrisony Action, or (2) the date set forth in the final rejection, whichever is later. In orevent, however, will the situation period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: (1box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(6). The date on which the petition under 37 CFR 1.13(6) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for the filed set from the filed for the filed of the filed of the filed of the filed of the filed within the filed within the time filed of the filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the appeal. Since Notice of Appeal will may be entered because (a) MENDEMENTS AMENDMENTS The proposed amendment(s) filed after a final re	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affideal (with appeal fee) in complian	avit, or other evidence, voce with 37 CFR 41.31; o	which places the r (3) a Request	
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MONTHS OF THE FINAL REJECTION. See MPEP 706 07(f): Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire la	dvisory Action, or (2) the date set fo tter than SIX MONTHS from the ma	ling date of the final rejection	on.	
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Art Unit: 1795		Primary Examiner			

Continuation of 3. NOTE: the amendment to the claims raises new issues that were not presented earlier in the case and thus would require further consideration. For example, the limitation of new claim 20 was not presented earlier in the case and thus would require further consideration and search.